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11 Attorneys for Defendant,  
12 MOZILLA FOUNDATION

13  
14 UNITED STATES DISTRICT COURT  
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
16 SOUTHERN DIVISION

17 BRIAN G. HOLTKAMP,

18 Plaintiff,

19 v.

20 MOZILLA FOUNDATION,

21 Defendant.

22 Case No. 8:24-cv-01285-JWH-  
23 ADSx

24 **DECLARATION OF CHRIS K.  
25 RIDDER IN SUPPORT OF  
26 MOZILLA FOUNDATION'S *EX  
27 PARTE* APPLICATION FOR  
28 ORDER CONTINUING RULE  
16(b) SCHEDULING  
CONFERENCE**

29 Complaint filed: June 13, 2024  
30 Judge: Hon. John W. Holcomb  
31 Magistrate Judge: Hon. Autumn D.  
32 Spaeth

33 Hearing date: TBD  
34 Hearing Time: TBD  
35 Courtroom: 9D

**DECLARATION OF CHRIS K. RIDDER**

I, Chris K. Ridder, declare as follows:

1. I am over the age of eighteen and am competent to testify to the facts stated in this declaration. I am an attorney and partner with the law firm of Ridder, Costa & Johnstone LLP, counsel of record for defendant Mozilla Foundation. I am admitted to the Bar of the State of California and licensed to practice before this Court. Except where otherwise stated or obvious from context, I have personal knowledge of the matters stated herein, and if sworn as a witness would testify competently thereto.

2. On July 16, 2024, at 1:22 p.m. PT, I emailed Plaintiff via the email address he provided in his Application for Permission for Electronic Filing, ECF No. 4, which Plaintiff signed indicating that he has regular access to, among other things, a computer with internet access, and an email account on a daily basis to receive notifications. A true and correct copy of that email is attached hereto as **Exhibit A**. I also left a message with a person at the phone number that Plaintiff provided in his Application for Permission for Electronic Filing. Plaintiff responded to me by telephone the same day, and we were able to discuss our Motion to Dismiss as required by Local Rule 7-3. Plaintiff also called the following day to follow up.

3. On July 24, 2024, the day after the Court entered its Order Setting Scheduling Conference, ECF No. 17, I contacted Plaintiff via the same email and telephone number, in an effort to arrange a call to discuss the Fed. R. Civ. P. 26(f) Conference that the Court ordered be completed by August 2, 2024, and the instant *Ex Parte* Application. Specifically, I sent plaintiff an email at 4:17 p.m., a true and correct copy of which is attached hereto as **Exhibit B**, and left a voicemail at 4:43 p.m. with Plaintiff's phone number. Plaintiff did not respond.

4. On July 25, 2024, I contacted Plaintiff via the same email and telephone number. I explained in both the email, sent at 3:23 p.m. PT, a true and correct copy

1 of which it attached hereto as **Exhibit C**, and in the voicemail I left at 3:10 p.m.  
2 PT, that the Court has ordered us to meet and confer pursuant to FRCP 26, to file a  
3 joint report with the court, and to attend a scheduling conference, and notifying  
4 him that we plan to file an ex parte application on Monday, July 29 to postpone  
5 these deadlines until after the MTD is decided and would like to discuss that  
6 motion, as well as whether Plaintiff intends to oppose the motion. Plaintiff did not  
7 respond.

8 5. On July 26, 2024, I contacted Plaintiff via the same email and telephone  
9 number. I explained in both the email, sent at 3:19 p.m. PT, a true and correct copy  
10 of which it attached hereto as **Exhibit D**, and in the voicemail I left at 3:17 p.m.  
11 PT, that the Court has ordered us to meet and confer pursuant to FRCP 26, to file a  
12 joint report with the court, and to attend a scheduling conference, and notifying  
13 him that we plan to file an ex parte application on Monday, July 29 to postpone  
14 these deadlines until after the MTD is decided and would like to discuss that  
15 motion, as well as whether he intends to oppose the motion. As of the evening of  
16 July 28, 2024, Plaintiff had still not responded.

17 6. I intend to arrange for Plaintiff Brian G. Holtkamp to be personally served  
18 with our *Ex Parte* Application.

19  
20 I declare under penalty of perjury under the laws of the United States that  
21 the foregoing is true and correct. Executed this 29th day of July, 2024.

22  
23 By: /s/ Chris K. Ridder  
24 Chris K. Ridder (SBN 218691)  
25  
26  
27  
28

# EXHIBIT A

**From:** Chris Ridder <chris@rcjlawgroup.com>  
**Sent:** Tuesday, July 16, 2024 1:22 PM  
**To:** fasfuccu@gmail.com <fasfuccu@gmail.com>  
**Subject:** Holtkamp v. Mozilla Foundation, Case No. 24-cv-01285-JWH-ADS

Dear Mr. Holtkamp,

I have been retained by Mozilla Foundation to assist them in responding to your lawsuit, *Holtkamp v. Mozilla Foundation*, Case No. 24-cv-01285-JWH-ADS (filed June 13, 2024).

We are planning to file a motion to dismiss your Complaint, under Federal Rule of Civil Procedure 12(b)(6), on similar grounds to the previous dismissals by the court (including that your Complaint fails to state a claim on which relief may be granted), and because your previous complaints were already dismissed without leave to amend, and "with prejudice," which means you are not permitted to re-file them.

I would like to have a conference with you, today if possible, to discuss the substance of our contemplated motion and any potential resolution.

Please call me, at (650) 466-0586, at your earliest convenience.

Best regards,  
Chris

**Chris K. Ridder, Partner**  
Ridder, Costa & Johnstone LLP  
Direct: (650) 466-0586  
<https://rcjlawgroup.com>

*The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone other than the intended recipient(s) is unauthorized. If you are not the intended addressee please contact the sender and delete this e-mail immediately.*

# EXHIBIT B

**From:** Chris Ridder <chris@rcjlawgroup.com>  
**Sent:** Wednesday, July 24, 2024 4:17 PM  
**To:** fasfuccu@gmail.com <fasfuccu@gmail.com>  
**Subject:** Re: Holtkamp v. Mozilla Foundation, Case No. 24-cv-01285-JWH-ADS

Dear Mr. Holtkamp,

Are you available for a quick call either today or tomorrow afternoon?

I have good availability the rest of the day today, and tomorrow afternoon any time after 12:00 p.m.

Thanks much,  
Chris

**Chris K. Ridder, Partner**  
Ridder, Costa & Johnstone LLP  
Direct: (650) 466-0586  
<https://rcjlawgroup.com>

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# EXHIBIT C

**From:** Chris Ridder <chris@rcjlawgroup.com>  
**Sent:** Thursday, July 25, 2024 3:23 PM  
**To:** fasfuccu@gmail.com <fasfuccu@gmail.com>  
**Subject:** Re: Holtkamp v. Mozilla Foundation, Case No. 24-cv-01285-JWH-ADS

Dear Mr. Holtkamp,

Further to the below, I'm contacting you because the Court has ordered us to meet and confer pursuant to Fed. R. Civ. P. 26(f), to file a joint Rule 26(f) report with the court following that conference, and to attend a Scheduling Conference on August 23. Please contact me as soon as possible so we can coordinate.

In addition, I'm contacting you because we plan to file an *ex parte* application with the Court on Monday, July 29, asking the Court to postpone the deadlines for the Rule 26(f) conference and report, and the Scheduling Conference, until after the Motion to Dismiss has been decided. We'd like to discuss this *ex parte* application with you, and we also need to know whether you intend to oppose the application.

I left a voicemail message with you concerning the above, as well. Please call me, at (650) 466-0586, at your earliest convenience. I look forward to talking with you.

Best regards,  
Chris

**Chris K. Ridder, Partner**  
Ridder, Costa & Johnstone LLP  
Direct: (650) 466-0586  
<https://rcjlawgroup.com>

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# EXHIBIT D

**From:** Chris Ridder <chris@rcjlawgroup.com>  
**Sent:** Friday, July 26, 2024 3:19 PM  
**To:** fasfuccu@gmail.com <fasfuccu@gmail.com>  
**Subject:** Fw: Holtkamp v. Mozilla Foundation, Case No. 24-cv-01285-JWH-ADS

Dear Mr. Holtkamp,

Further to the below, I'm contacting you because the Court has ordered us to meet and confer pursuant to Fed. R. Civ. P. 26(f), to file a joint Rule 26(f) report with the court following that conference, and to attend a Scheduling Conference on August 23. Please contact me as soon as possible so we can coordinate.

In addition, I'm contacting you because we plan to file an *ex parte* application with the Court on Monday, July 29, asking the Court to postpone the deadlines for the Rule 26(f) conference and report, and the Scheduling Conference, until after the Motion to Dismiss has been decided. We'd like to discuss this *ex parte* application with you, and we also need to know whether you intend to oppose the application.

I left a voicemail message with you concerning the above again today, as well. Please call me, at (650) 466-0586, at your earliest convenience.

I will be available the remainder of today, and also over the weekend. I look forward to talking with you.

Best regards,  
Chris

**Chris K. Ridder, Partner**  
Ridder, Costa & Johnstone LLP  
Direct: (650) 466-0586  
<https://rcjlawgroup.com>

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